

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

NOV 02 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

UNITED STATES OF AMERICA,

CR 18-31-M-DLC

Plaintiff,

vs.

ORDER

LEONARD FRANK CATTERLIN,

Defendant.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on October 16, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Leonard Frank Catterlin’s guilty plea after Catterlin appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of bank fraud in

violation of 18 U.S.C. § 1344(2) (Count 9) as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts 1-8 and 10-15 of the Indictment, as well as the forfeiture allegation.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 115), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Leonard Frank Catterlin's motion to change plea (Doc. 90) is GRANTED and Leonard Frank Catterlin is adjudged guilty as charged in Count 9 of the Indictment.

DATED this 2nd day of November, 2018.



Dana L. Christensen, Chief Judge
United States District Court